

Brenda Hinojosa, 0001

August 13, 2005

stay with my grandfather and grandmother in Mercedes. My mother insisted that I go with her and Jose and we initially lived in Ohio.

My half-brother, Jose Escamilla Jr., was born in Ohio on March 9, 1978. My half-sister, Maria Nina Escamilla was born September 30, 1981. My mother and Jose had moved to Irving, Texas. My half-brother, Licho Escamilla, was born July 3, 1982 in Irving, Texas. My youngest half-brother, Juan Escamilla, was born September 1983.

My brothers, Ruben and Peter, came on separate occasions to live with the family for a few weeks, but were not comfortable out of their normal environment. My mother contacted them frequently by telephone and sent money for them, but contact with them lessened as the years went by. My stepfather, Jose, also attempted to keep in contact with his children who lived in Mission, Texas. My stepfather's financial obligations to his first family at times caused problems between my mother and Jose. In about 1990, Jose's wife, Rosa, sued for back child support. I was attending college, TWU, at the time and I had to take time off from my classes to help my father at court. I accompanied him several times to McAllen, Texas, where he obtained a divorce from Rosa and the child support issues were resolved. This caused increasing financial problems for the family. Licho was about nine or ten years old at that time and was attending E. R. Martinez elementary. There was increased turmoil in the family during this period. The reason that I had to accompany my parents to McAllen to help with the court proceedings is because my mother and Jose could not read or write English or Spanish.

Jose could read some simple words and had memorized things from the Bible, street signs, and so forth, but was unable to read any type of legal document. My mother and Jose had attempted to go to school and obtain their GED when we lived in Ohio. Then my mother was pregnant with Jose, Jr. and had to stop and my father did not continue. If any of my half-siblings needed help with school, I had to try and help them, as my parents were unable. I also helped my father in his business with paperwork.

We moved from Irving into the house on 4045 Wisenberger in about 1985. The move was quite a culture shock for my mother. When we lived in Ohio and in Irving, we lived in primarily white neighborhoods with few Hispanics. When I attended school in Irving, there were frequently very few Hispanic children in my classes. My father wanted to move into a more heavily populated Hispanic area and he opened a tire shop near our new home. The home on Wisenberger was in a "rougher" area than where we had been living in Irving.

My father bought his mother a home in the area and got her settled prior to building our home. Jose frequently put the needs of his "family of origin" above his current family's needs. Securing his mother's home and getting her settled, prior to his own family, is a good example. Jose had a very close relationship with his mother and saw her frequently. Before she died, he had moved in with her so that he could care for her because she was ill.

Licho had a close relationship with my mother and his father, Jose. Licho was probably the most affectionate child and was frequently kissing and hugging my mother and Jose. Licho had the

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role of being the "clown" in the family and he always tried to make the family laugh. If the family was having problems, Licho would take on the role of trying to cheer everyone up. Licho and his older brother, Jose, were very close. My mother did everything for my father and brothers. She cooked and took care of their clothes, etc. My mother did not cater as much to the girls in the family and we were also responsible for taking care of my brothers and father. A major event happened on Easter Sunday in 1994 that seemed to start the family on a downhill cycle. The family attended church on Easter morning. Later that evening, Jose, who was 15, dropped Licho off at a party. Jose had then had gone over to his girl friend's house which was a couple of blocks away. According to what I heard from different people at the party and Licho. Licho and one of his friends were out back with others jumping on the trampoline. When one of the girls was jumping on the trampoline with Licho's friend, she became angry and said that he had touched her inappropriately. She then went inside and told her father. Then two adult males came outside and were angry about what had happened. One grabbed Licho and the other grabbed his friend. His friend was able to escape and run away, but Licho was not. The adult male beat Licho up, his face was swollen, and he looked "beat up". While Licho was getting beat-up, his friend ran to get Jose at his girlfriend's house. Jose came to get Licho. When Jose drove up, he saw that Licho had been beat-up and the same male adult came outside and asked Jose, if "he wanted some too?" During the altercation, Jose shot this man, but he did not kill him.

Jose and Licho then came home and did not tell anyone what had happened. The police later came, arrested Jose, and took Licho down for questioning. I spent \$6,000 to hire an attorney for Jose and he later was charged with Aggravated Assault and was sent to TYC for a year. The family was angry with Jose and Licho for causing the family these legal and financial problems. Jose and my mother would frequently indicate to Licho that it was his fault that his brother was in TYC. Licho was felt very guilty about his brother, Jose, being sent to TYC and felt he was responsible. I never know of any charges that were brought against the man that assaulted Licho. Many years later, he apologized because he knew that he had assaulted Licho and he was the "wrong" person.

Licho was angry and upset about his brother being sent to TYC, his behavior at school began to deteriorate, and he began changing to different schools because of various problems. During the time that Jose was at TYC, the family was usually going every weekend to see him, which was also a strain on the family.

Licho was incarcerated at TYC in 2000. My mother had a heart attack the end of September 2000, just a few weeks before Licho was to be released from TYC. After her heart attack, she was hospitalized on life support for several days, but the doctors told the family that she needed to be removed from life support and they later administratively decided to stop life support and she died immediately. I had to call TYC to inform my brother and he broke down emotionally. He was released in time to return home for my mother's burial. The family was devastated by my mother's death, but particularly Licho. In addition, to the normal grief that we all felt, Licho felt guilty that he had not been there when she died. He also felt guilty because of the heartache he had caused related to being incarcerated.

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After my mother's death, my stepfather, Jose, was extremely depressed and functioning very poorly. The family, particularly my stepfather and the boys, were lost without my mother. The family was really in a crisis state. My stepfather was not functioning because of his depression and he was encouraging Licho and Juan to take more responsibility around the house. During that same time period, my sister, Nina, separated from her husband and returned home and she was pregnant at the time. When she returned home with her first child, Licho was evicted from his bedroom so that Nina and her child could have the room. He was upset about his room being taken and began to spend more and more time away from the family. Licho had begun drinking more during this period and my father was talking to him because he was worried that he was drinking too much. Licho seemed lost after our mother died. He did not seem to have a role in the family any longer. His role in the family had been the clown and cheering everyone up and he was not in a position to do that because of his own grief. On several occasions after my mother's death, Licho expressed feelings of hopelessness about the future.

Mother's day of 2001 was particularly difficult for the family and Licho. My older brother, Pedro, also died in 2001, which further destabilized the family. I was also in the process of trying to build a home a few blocks away.

I knew who Michael Torres was and had seen him, but did not know much about him. Prior to his death, my family informed me that he had been harassing the family by "burning rubber" out front of the house and there had been a drive by shooting at the house. I remember an occasion when I received a call from my father telling me that he was afraid and didn't want me to come home for fear that I might be hurt outside the house. When I arrived home, I found my father and daughter in the back of the house with all the lights out.

In November 2001, I received a promotion at my job was hopeful that the family was back on track. The family including Licho went out to a restaurant for Thanksgiving of 2001. We took pictures outside the restaurant and the family had planned to go on a pilgrimage down to South Texas to say prayers that things were improving. We planned to leave at 10:00 pm to drive through the night. Licho had indicated that he was going with the family, but did not show up at 10:00. We finally got on the road about 11:30 pm and we had decided that Licho had decided not to go and we could not reach him.

Shortly after arriving in South Texas, we received a call from my sister that Licho had been shot. We had very little information, other than he had been shot. The family then had to drive back to Dallas to try and find out what had happened. We could not locate Licho and did not know where he had been hospitalized. I was later told by others that they had seen Licho on the news. The family was scrambling to attempt to get an attorney for Licho. We soon discovered that it would take up to \$250,000 or more to have an attorney represent Licho for a capital murder charge. Even by selling all our property and belongings, the family did not have the ability to come up with that type of money. We were informed that attorneys had been assigned by the state.

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I was later contacted by Licho's attorney Ms. Busbee. She informed me that it would be necessary for her to talk with me and get social history information. I met with Ms. Busbee on one occasion where she gathered information and the interview lasted about an hour. The family received little information from Licho's attorneys. The next time I heard from Ms. Busbee she requested about two weeks prior to trial that we furnish names of people that could be called as character witnesses. I furnished the information to her, but most of the witnesses were surprised to be contacted so close to the time of the trial. The family had no idea for the plan of "mitigation" and Licho continued to feel very hopeless. Many of the people that I furnished to Ms. Busbee were not called as witnesses although they were willing.

Assessment: It was difficult to set the appointment with Brenda and have her keep it. With some encouragement, she literally "poured" out the family history. She was very reluctant to talk about any negative information.

Exhibit 20

AFFIDAVIT OF Luis Gonzalez L.E.G.

My name is Luis Gonzalez. I am a resident
Dallas County, Texas. I am over the age of eighteen and fully
 competent to make this affidavit. All the facts stated here are within my personal knowledge.

I worked with Maria Rivera at the
 O'Connor Ridge Apartments in Irving, Texas
 from approximately 1997-2000. I was present
 at the hospital when she died.

We would frequently have coffee in
 the morning prior to starting work
 and we would talk. Maria would tell
 me about problems she was having with
 her family. According to Maria, most of ^{L.E.G.} were related ^{to}
 the family's and her personal problems. She ^{her husband}
 talked about husband drinking all the
 time. I observed on three or four
 occasions that Maria appeared to have been
 beaten and a black eye. Maria was also
 troubled about her older son, Jose, being
 in jail. Maria said that her husband
 was not good to her and wouldn't give
 her money. She also told me that
 her husband often carried a gun. He
 was aggressive and frequently getting
 into fights.

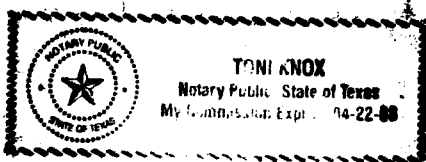
When Maria was in the hospital and
 ill, I do not remember seeing Mr.
 Escamilla there at any times. I do

*remember seeing Licho there and he was crying.
I was called to come to hospital when they were
ready to take Mama off life support.*

Under the pain and penalty of perjury, I swear that the above is true and correct to the best of my knowledge. I give this statement of my own free will.

[Signature]
302 Charles Dr.
Irving, TX 75060

Subscribed and sworn to before me this 30th day of October, 2005.



Toni Knox

Notary Public, State of Texas

TONI KNOX

Notary's Printed Name

Exhibit 21

AFFIDAVIT OF Margaret Barajas

My name is Margaret Barajas. I am a resident
Dallas County, Texas. I am over the age of eighteen and fully
competent to make this affidavit. All the facts stated here are within my personal knowledge.

I knew the Esquivella family when
they lived across the street in apartments
in approximately 1981-1982. We became
friends and she would come over to talk.

Maria talked about her husband, Jose,
and said that he drank a lot. Maria
told me that her husband would hit
her and I saw bruises. Maria would
say that Jose was not involved with
the family or children and disciplining
them. She said that Licho and
Juan were always getting into trouble
and did not listen to her.

Juan and Licho would come by
my house after school at ~~the~~ Nimitz.

I told Maria ^{Licho} could not come back
because he was disrespectful by
smoking and cursing in my home.

José was more attentive to his
mother than his wife and children.

Maria would use her work address to
get her income tax back because
Jose would take it away from her.

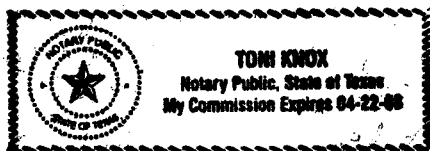
José would not give her any money for

herself and the children. Maria's older boys did not live with Maria and Jose because they didn't like Jose.

Under the pain and penalty of perjury, I swear that the above is true and correct to the best of my knowledge. I give this statement of my own free will.

Margaret Barajas
429 High School Lane
Leaving TX 75060

Subscribed and sworn to before me this 30th day of October, 2005.



Toni Knox

Notary Public, State of Texas

TONI KNOX

Notary's Printed Name

Exhibit 22

AFFIDAVIT

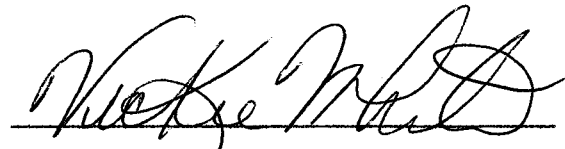
Before me, the undersigned authority, personally appeared Vickie White, who, being by me duly sworn, did on her oath depose and state the following:

1. My name is Vickie White, I am eighteen years of age or older and fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct:
2. I am currently employed by the Texas Youth Commission Dallas District Office as a Community Relations Coordinator. My telephone number is 214 678-3628. My office address is 1575 West Mockingbird Lane # 650, Dallas, Texas.
3. When I was in college I worked at the Marillac Center on Bernal Street in 1987 (not sure of the year). Licho Escamilla was five years old at the time and attended the day care center. I remember Licho very well from those days, as he was a "terror".
4. During naptime Licho, for no reason would stomp on the other children when they were sleeping. He would stomp on them while they were lying on their mats asleep. He would run through the room jumping on tables and running over the other children while they were lying down taking their naps. When we would catch him, he would go to the playground while the others were napping so that he wouldn't disrupt them. He would also be placed in the hall and sent to the office.
5. He would come to class without underwear and other children could tell he didn't have underwear on. When they all began to play, his penis and other private parts would show because he wasn't wearing underwear. Because Licho would constantly hit and cursed at the other children, they made it a point to laugh at him when his penis showed. In addition to not wearing underwear, he was frequently dirty. He would have obvious dirt on his face. So as not to embarrass him further, a couple of times I would wait until nap time and then use a towel to wipe the dirt off Licho and give him clean underwear to put on.
6. Others and I attempted interventions to try and help with Licho's acting out by giving him leadership roles such as making him lead student which included caring for the fish in the

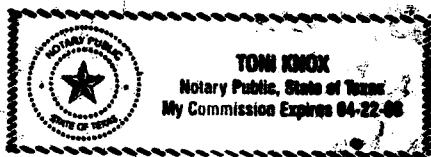

Initials

tank, passing out class supplies to other students, and handing out lunch. He also received positive praise. When not in a leadership role Licho's behavior was worse.

7. At age five, Licho, would frequently talk about his brother being in a gang, and Licho was very proud about it. He would tell the children that his brother would beat them up if they "messed" with him. I remember one of Licho's female schoolmates as saying very seriously "Licho will be in a gang".
8. When Licho's mother found out I had bought Licho underwear, she spoke with Sister Roseanne about it. Sister Roseanne spoke with me and informed me not to buy underwear for Licho so I stopped. I only talked with Licho's mother one time that I remember and she was very quiet. I wasn't sure at the time if she didn't really understand what I was saying because of the language or if she understood and just had no response. It was difficult to assess the communication process with her.
9. I don't believe that Licho ever had a chance in life because of the influence of the gang members and his brother's involvement with a gang and his influence on Licho. It has been my experience that a child growing up in that environment of guns and violence cannot escape without a major intervention.


Vickie White

SWORN TO AND SUBSCRIBED before me on September 29, 2005,
to certify which witness my hand and seal of office.



Toni Knox
Notary Public, State of Texas
TONI KNOX
Notary's Printed Name

Mitigation Partners

ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard
Cc: Joe Villanueva
From: Toni Knox
Date: October 30, 2005
RE: Licho Escamilla, Report #025

*more and
of physical
abuse*

Margaret Barajas, 10/30/05
429 High School Lane, Irving, Texas

Relevance: Licho had told me that his mother had a friend that lived in Irving called Pat. The only information that Licho had was that he had used the address when he had attended Nimitz.

Circumstances of Interview: I didn't have a telephone number – only an address. I obtained the address from a letter written to Maria while Licho was attending Nimitz. I went to the address with the fact investigator, Joe, and there was a woman on the porch. He spoke with her in Spanish and explained why we were there and she agreed to talk with us.

Interview: Margaret indicated that she had known Maria and the family well. They lived in the apartments across the street from her many years ago before they moved to Dallas. She said that her daughter, Pat, was the person that Licho was probably speaking of and she did know Maria. She said that Pat had recently moved and she didn't have a telephone number, but took my card and said that she would have her call me.

Margaret said that Maria frequently came over to talk with her. Maria was unhappy and talked about Jose Escamilla's drinking and hitting her. She also talked about him not giving her any money and taking any check or money that came to the house. Maria kept her money with her or hidden in the van. Another friend, Diana, was present during the conversation. Diana said that Maria had told her frequently about the abuse. She had helped Maria with her income tax one year and she knew that Jose and Maria filed separate returns.

Margaret stated that she had allowed Licho to use her address when attending Nimitz and Licho would come to her house after school to wait for his mother to pick him up. Margaret eventually told Maria that Licho could not return to her house because she thought he was disrespectful. She said that he cursed and smoked in her house and that was disrespectful. She knew that Licho had problems at school and had not attended Nimitz very long. She said that a constable had come several times to the house looking for Juan and she had informed them he did not live at

Margaret Barajas
October 30, 2005

this address and never had. She said that she hadn't been contacted by anyone for sometime looking for Juan. Margaret said that Maria was a very hard worker, but her health had not been that good. She said that she was often very tremulous and seemed very tired. Maria continued to work even when she was feeling ill.

Margaret was hesitant, but agreed to give me an affidavit concerning the information that she had given me. She dictated and I wrote the affidavit. She then read over the affidavit and signed it after swearing that the information was correct to the best of her knowledge.

Exhibit 24

LICHO ESCAMILLA CASE

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DALLAS DISTRICT COURTS

**STATE OF TEXAS
COUNTY OF DALLAS**

CAUSE NO. 3:06-cv-2248

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared, James E. Sutton, who, being by me duly sworn, deposed as follows:

My name is **JAMES E. SUTTON**. I am over the age of 18 years, of sound mind, capable of making this Affidavit, and personally acquainted with the facts herein stated:

I, James E. Sutton, born 04/06/1963, presently reside at 1544 River Oaks Drive, Irving, TX 75060. I was a juror on the case styled State of Texas vs. Licho Escamilla that was prosecuted in a Dallas County District Court. I would have considered more family information during the sentencing phase, including the criminal element of the Escamilla family, which may have harmfully influenced the development of Licho. I believe a more thorough family history could have been presented with more specific factors, including criminal activities, and with that information I would have considered it in my sentencing decision. As I recollect, not much extended family background information was given during sentencing and this absence of information made it more difficult to put Licho's crime into complete context. "FURTHER AFFIANT SAYETH NOT."

x James E Sutton
James E. Sutton
Affiant

SUBSCRIBED AND SWORN to before me on this the 1st day of May, 2008.



Jay D Matthews
Notary Public in and for the State of Texas

My Commission Expires:

9-26-2010

Notary's Printed Name:

Jay D. Matthews

AFFIDAVIT

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Exhibit 25

LICHO ESCAMILLA CASE

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DALLAS DISTRICT COURTS

**STATE OF TEXAS
COUNTY OF DALLAS**

CAUSE NO. 3:06-cv-2248

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared, **JAY**
MATTHEWS, who, being by me duly sworn, deposed as follows:

My name is **JAY MATTHEWS**. I am over the age of 21 years, of sound mind, capable of making this Affidavit, and personally acquainted with the facts herein stated:

I, Jay Matthews, the Chief Operator and Owner of Primetime Investigations who is licensed with the Texas Department of Public Safety / Texas Private Security Board and the Texas Department of Insurance, was hired by Attorney Mary M. Penrose to construct a Criminal Family Tree on Licho Escamilla. This criminal search was to center on Licho Escamilla and expand to family members that may have influenced or had some contact with Licho Escamilla at some phase of his life. It was through a common criminal index search that numerous criminal cases surfaced in relation to the Licho Escamilla Family. Targeting Texas crimes committed by family members, excluding Licho, the following relatives surfaced on the crime index; Jose Alfonso Escamilla (08-16-1942), Juan Escamilla (08-20-1948), Eliezar Escamilla (10-05-1957), Alfredo Hinojosa (09-21-1961), Eliezar Escamilla (05-06-1973), Juan Escamilla (09-30-1983) and Jose Escamilla, Jr (09-03-1978). Certified copies were obtained of their criminal cases available, primarily coming from the Texas counties of Dallas, Hidalgo and Cameron. Upon reviewing these criminal cases in detail, an enhanced depiction of the Escamilla family environment is revealed. We also determined that presently Jose, Jr. and Juan Escamilla, brothers of Licho, are incarcerated at the Seagoville Prison Unit and Dallas County Jail, respectively. It should be noted that this is not a complete assimilation of criminal activity in the family tree of Licho Escamilla. It is our conclusion that using an ordinary and common criminal search, numerous criminal cases surfaced on Licho Escamilla's relatives, providing informative facts on the criminal nature of his family. "FURTHER AFFIANT SAYETH NOT."

x Jay D. Matthews
Jay D. Matthews
Affiant

SUBSCRIBED AND SWORN TO before me on this is the 2 day of May, 2008.

Lisa Sue Rohrbach
Notary Public in and for the State of Texas

My Commission Expires

Notary's Printed Name:

LISA SUE ROHRBACH

AFFIDAVIT

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